IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13026 of 2005

Between:

1. M/s. Keerthi Cotton Traders rep by Proprietor, A. Venkataramana,

Suryadevarapet, Etukur road, Guntur
2. Swarupa Cotton Corporation, rep by PRoprietor K. Penchalanaidu

D.NO. 28-8-114, Sangadigunta,Guntur district

..... PETITIONERS

AND

1 The Industries and Commerce Department, rep by Secretary, Government of A.P., Secretariat, Hyderabad
2 The Public Enterprises Department, rep by its Principal Secretary, Government of A.P., Secretariat Hyderabad
3 The Commissioner, Handlooms & Textiles, BRKR Bhavan, 4th Floor, Tankbund, Hyderabad
4 M/s. Srisiva Sai Cotton Traders, Guntur rep by Proprietor, T. Srinivasa Rao Brundavan Garden, Opp: Municipal Office, Guntur
5 T. Srinivasa Rao S/o Venkatanarayana
R/o Venkateswra Students Mess, Brundavan, Gardens, Opp: Municipal

Office, Guntur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents 1 to 3 in paying the amounts to Respondents 4 & 5 out of the sale amounts of Purchur cotton Growers Cooperative

Spinning Mills Ltd., Inkollu, Prakasam District without holding an enquiry with regard to actual suppliers to whom the money actually belong and further direct the Respondents 1 to 3 to hold an enquiry and decide the actual recipients to whom to sale process of the said mill belongs and to grant such other reliefs as are necessary, may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.RAJA REDDY KONETI

Counsel for the Respondent Nos. 1 to 3: GP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent Nos. 4 & 5: --

The Court, at the stage of admission, made the following:

Oral order:-

Heard the learned counsel for the petitioners and the learned Government Pleader.

This writ petition is filed seeking a direction to the respondent Nos. 1 to 3 not to pay the amounts to the respondent Nos. 4 and 5, as determined by the committee appointed by the Government on the basis of a report submitted by the said committee, on the ground that the petitioners have supplied cotton to the respondent Nos. 4 and 5 and they have not paid the amount and, therefore, if the amount is once settled by the Government and disbursed to the 4th and 5th respondents, the petitioners will suffer irreparable loss.

On perusal of the record, except filing the Xerox copies of receipts, no documents have been filed to show that the petitioners have supplied cotton and the respondent Nos. 4 and 5 are due to pay the amounts to the petitioners; that it is further submitted that already some of the traders approached the competent civil court and obtained appropriate orders. In the considered view of this court, the petitioners have to establish the liability of the respondent Nos. 4 and 5 to pay the amounts to the petitioners by virtue of the transactions that took place between them with regard to the supply of cotton. The said fact requires consideration of recording and scrutinizing the evidence, both oral and documentary. Therefore, I see no reason to interfere in the writ petition. There are no merits in the writ petition. The writ petition is, accordingly, dismissed. No costs.

ELIPE DHARMA RAO, J

Dt. 20-06-2005

Pvks/*

To

1. The Secretary, the Industries and Commerce Department, Government of A.P., Secretariat, Hyderabad
2. The Principal Secretary, the Public Enterprises Department, Government of A.P., Secretariat Hyderabad
3 The Commissioner, Handlooms & Textiles, BRKR Bhavan, 4th Floor, Tankbund, Hyderabad.

4. 2 CCs to the Government Pleader for Industries and Commerce, A.P. High Court Buildings, Hyderabad (OUT).

5. 2 CD copies

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